

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Christopher Gunn,

Petitioner

v.

Attorney General State of Nevada, et al.,

Respondents

Case No. 2:22-cv-01955-JAD-BNW

**Order Directing Petitioner to Either Pay
Filing Fee or File IFP
Application by January 13, 2023**

In order to obtain federal habeas review under 28 U.S.C. § 2254, a petitioner must either pay the required \$5 filing fee or submit an application for leave to proceed *in forma pauperis* (IFP).¹ When Petitioner Christopher Gunn commenced this action, he did not pay the \$5 filing fee or submit an IFP application. As a result, this action is improperly commenced and will not proceed unless and until the petitioner either pays the \$5 filing fee or submits a complete IFP application with all required documentation.

IT IS THEREFORE ORDERED that the petitioner must:

- Either (1) **pay** the \$5 filing fee **or** (2) **file** an IFP application that includes: (a) a financial certificate signed by petitioner and an authorized prison official, (b) a financial declaration and acknowledgement signed by petitioner, and (c) a copy of his inmate account statement for the six-month period prior to filing.

If he fails to do so by January 13, 2023, this case will be dismissed without prejudice and without further prior notice. If petitioner decides to pay the filing fee from his inmate account, he must arrange to have a copy of this order attached to the check for the filing fee.

¹ Under 28 U.S.C. § 1914(a) and the Judicial Conference Schedule of Fees, a \$5.00 filing fee is required to initiate a habeas action in a federal district court. The court may authorize an indigent prisoner to begin a habeas action without paying the \$5 fee if he submits an IFP application on the approved form and includes three specific documents: (a) the prisoner's financial declaration and acknowledgement showing an inability to prepay fees and costs, (b) a financial certificate signed by the prisoner and an authorized prison official, and (c) a copy of the prisoner's account statement for the six-month period prior to filing. 28 U.S.C. § 1915(a); LSR 1-1, LSR 1-2.

1 The Clerk of Court is instructed to **SEND** petitioner a blank form IFP application for
2 incarcerated litigants along with two copies of this order.

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5 U.S. District Judge Jennifer A. Dorsey
6 November 30, 2022
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